

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TOR AHMADD BISHOP,

Plaintiff,

v.

G. DODSON, et al.,

Defendants.

No. 2:21-CV-0574-KJM-DMC-P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion, ECF No. 14, for injunctive relief.

This action proceeds on Plaintiff's first amended complaint, ECF No. 22, as against the following Defendants: (1) G. Dodson for a violation of the Eighth Amendment; (2) Jessica Jacinto for a violation of the First Amendment; and (3) Joseph Saji for a violation of the Eighth Amendment. At the time Plaintiff filed his first amended complaint and motion for injunctive relief, he was incarcerated at the California Medical Facility in Vacaville, California. See ECF No. 22. Plaintiff's allegations concern event at California State Prison – Sacramento. See id. All three Defendants are alleged to be current or former prison officials and/or medical providers at California State Prison – Sacramento. See id. A review of the docket reflects that Plaintiff was transferred to Atascadero State Hospital in Atascadero, California, on or about April 4, 2022. See ECF No. 30 (Plaintiff's notice of change of address).

1 In his motion for injunctive relief, Plaintiff appears to allege problems with respect
2 to his mental health treatment, access to mental health programming, and access to appropriate
3 housing. See EF No. 14. Plaintiff's motion is, however, unclear as to precisely the nature of the
4 harms he alleges or the relief he seeks. To the extent Plaintiff is seeking injunctive relief with
5 respect to the conditions of confinement at the California Medical Facility – where he was housed
6 when he filed the pending motion for injunctive relief – his subsequent transfer to Atascadero
7 State Hospital renders the motion moot. See Prieser v. Newkirk, 422 U.S. 395, 402-03 (1975);
8 Johnson v. Moore, 948 F.3d 517, 519 (9th Cir. 1991) (per curiam).

9 Based on the foregoing, the undersigned recommends that Plaintiff's motion for
10 injunctive relief, ECF No. 14, be denied.

11 These findings and recommendations are submitted to the United States District
12 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
13 after being served with these findings and recommendations, any party may file written objections
14 with the Court. Responses to objections shall be filed within 14 days after service of objections.
15 Failure to file objections within the specified time may waive the right to appeal. See Martinez v.
16 Ylst, 951 F.2d 1153 (9th Cir. 1991).

17
18 Dated: April 8, 2022



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

19
20
21
22
23
24
25
26
27
28